



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

P.O. Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300

October 5, 2001

Sharon Maples, CPA  
PO Box 3698  
Sequim, WA 98382

Dear Ms. Maples:

Re: Sunny View Estates Water System Well #2

We received your letter regarding the problems you have been having concerning the 100-foot protective radius associated with Sunny View Estates Well #2. We reviewed the file for Water Right Permit #G2-27301 and feel that proper procedures were followed in issuing an approval for the use of Well #2.

In 1988, Ecology issued Water right Permit #G2-27301 to allow withdrawals from Sunny View Estates Well #1 for multiple domestic supply of up to 40 connections. An application for change of this water right was subsequently filed to add an already existing well, Well #2, to the water right and to change the place of use to include an existing connection. Ecology approved the change application in 1996.

You indicated that you did not feel that Ecology followed the required procedures for public notification of the change, as you were not personally notified. Mr. Novak published notice of the change as required under Chapter 90.03.280 Revised Code of Washington (RCW), on July 24 and 31, 1996, in *The Sequim Gazette*. The application for change asks if the applicant is the owner of the land on which the point of withdrawal (well) is located. Mr. Novak indicated that an easement exists "with lot sale." When Ecology approves a water right or a change to the water right, access to the well is not implied. However, in this case, it appears that an easement already existed.

Upon evaluation of the change application, Ecology determined that Well #2 is completed in the same aquifer as Well #1 and that withdrawals from Well #2 would not impair existing (water) rights or be detrimental to the public welfare. Therefore, the change was approved, and a new development schedule was placed on the permit allowing until the year 2011 for full development of the proposed 40 homes. The permit remains in good standing.

Ecology included a provision in the report of examination stating that the Department of Health requires written approval prior to new constructions or alterations of a public water supply system. It is Mr. Novak's responsibility to obtain all necessary permits and approvals prior to use of Well #2.

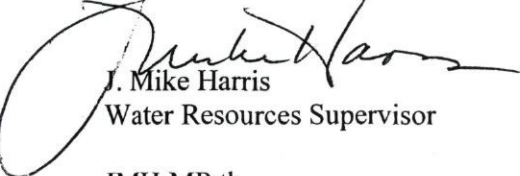
You asked that Ecology send you a letter stating that the pending application has been closed out. However, Application #G2-27808 is still pending as we have not yet evaluated it. Permit #G2-27301 remains in good standing for use of both Wells #1 and #2 from a *water rights* standpoint (Mr. Novak may need to obtain approval from the Department of Health prior to actual use of the well).



In summary, although we do not support Mr. Novak's actions, Ecology can not declare Well #2 an illegal well or require its abandonment. It appears that the "misrepresentations" that occurred when you bought the property are strictly a civil issue that will need to be resolved in a court of law.

If you have any questions regarding this letter, please call Marie Peter at (360) 407-0279.

Sincerely,



J. Mike Harris  
Water Resources Supervisor

JMH:MP:th

Cc: Dean Butz, Clallam County Department of Health  
John Ryding, State Department of Health  
Sue Mauermann, Ecology



Sharon Maples, CPA  
P. O. Box 3698 Sequim, WA 98382  
Cellular: 360-460-3121  
E-mail: traveler61@earthlink.net

October 4, 2001

**URGENT URGENT URGENT URGENT**

Sue Mauerman  
Director Southwest Regional Office  
WA Dept. of Ecology  
Olympia, WA

Via E-mail to: smau461@ecy.wa.gov  
360-407-6307

Subject: Well # 2 Only - Dept. of Ecology # G2-27301-P  
Charles Novak d/b/a Sunny View Estates Water System  
Dept. of Health ID # 59940X

Dear Sue,

Dean Butz at the Clallam County Group B Water System Office (360-417-2334) (dbutz@co.clallam.wa.us) and the Dept. of Health Enforcement Office suggested I contact you direct for help in solving a problem for us that has been kept pending by the "bureaucracy" for the last 11-years. It has become an extremely urgent financial problem to us now and I really need your immediate help.

On 9-15-1995 we purchased a lot in Sequim, WA known as Parcel # 043027-419110-0000. On our lot is a Well # 2 owned and listed by Charles Novak on his Water Facilities Inventory form. This Well # 2 has **NEVER** been approved as a source of drinking water, nor has it been approved for fire flow, by the WA Dept. of Health during the last 11-years even though the Dept. of Health received plans from Mr. Novak on 8-23-1990 calling this Well # 2 a Phase 2 water system expansion.

A few months after we purchased our lot, it was discovered that Mr. Novak was illegally pumping water from this unapproved Well # 2 on our land. Since we were worried about potential liability, we notified Karl Johnson at the Dept. of Health in Olympia about this illegal activity, however, his reply letter indicated they were not in the business of policing small water purveyors. The Dept. of Health did send a letter to Mr. Novak since Karl Johnson was now aware of this previously unreported Well # 2 and Novak was told it was illegal to use an unapproved well.

Besides being unapproved, we have provided photos as proof to Dean Butz that the pipe from this Well # 2 was left lying on the ground for over 9 months. Finally Canal Pumps came back and put the pipe back in the well with only a 1-hp pump. Canal Pumps could never get this Well # 2 to work and it has been broken, unapproved, and unused for years.

Because of this Well # 2 on our land, there has been almost constant litigation between Novak and us. I won't bore you with all the details other than to say Dean Butz is aware of many of the illegal activities done by Novak as a water purveyor, and admitted to by Novak in his signed court paperwork. After the first court case where Superior Court Judge Wood indicated Novak did "misrepresent" the property to us during the sale, Mr. Novak became very vindictive, malicious, and uncooperative. During the construction of our home, Novak cut off our water supply many times in spite of an injunction we had against him. We were forced to drill our own well on 12-20-1997. Our Water Well Report shows start card # 101172.

Five of our neighbors also became upset when Novak cut off the water to the community fire hydrant, so they too drilled their own water wells even though all of us were legally entitled to water from the approved Sunny View Estates Water System Well # 1. The Water Well Reports for our neighbors show start card numbers 101167, 101166, 101170, 101174, and 110261.

Mr. Novak's original Ground Water Application # G2-27301 was received by the Dept. of Ecology on 4-22-1988 for his Well # 1 located elsewhere in the subdivision and not on our property. This Well # 1



and the 45,000 gallon reservoir was known as Phase I and approved for drinking water and fire flow by the Dept. of Health to serve 14 connections. The Well # 2 on our land has never been approved and is not needed to meet fire flow requirements per John Hight, Fire Marshall at Clallam County.

In spite of existing litigation between us, in spite of both parties being represented by attorneys, and in spite of the fact that Novak no longer owned the land any more, on July 24, 1996 and again on July 31, 1996 Mr. Novak published a tiny item in the Sequim Gazette of Clallam County indicating he had filed a change application with the Dept. of Ecology to add a point of withdrawal and change the place of use authorized under Water Right Permit # G2-27301. He also indicated no protests were received. We think it was illegal that neither our attorney nor us ever received written notice of this action since we were the landowner now instead of Novak. We do not believe he ever notified your office that he was also no longer the landowner. Publishing is fine if you own the land, but I am sure your office requires some proof that the landowner has also been notified. We were living in Tacoma, WA at the time and both Novak and his attorney knew where we were, plus it was a matter of public record. Novak skipped notice to us on purpose.

During the last 11-years that the "bureaucracy" has had this "unapproved" Well # 2 listed as pending, a recorded 100' restrictive well circle covenant has existed to protect this Well # 2. We have been trying to sell our property for over two years now and no one will purchase this property from us because of this recorded covenant.

Because of Novak's malicious, vindictive, and uncooperative behavior toward us, we must go to court for everything we need that has anything to do with the 100' well circle. The last time we were in Court we were seeking permission from Superior Court Judge Wood to plant grass within the 100' circle. I know that sounds ridiculous, but we had to do it. The 100' well circle for Well # 2 on our land has cost us about \$30,000 in legal and professional fees so far.

As part of our web site at <http://home.earthlink.net/~traveler61/housesitting>, you can see two aerial pictures of our now completed home and workshop with landscaping and sprinkler system installed. Novak's unapproved Well # 2 is in the center of our front yard in front of our picture window 100' from our front sidewalk. I can assure you it has been both a nightmare and costly to get the improvements to our property this far.

We need to go to court one more time to get the 100' restrictive well circle covenant removed and we need your help. There is no need for a restrictive well circle covenant for the unapproved Well # 2 on our land, and there is no legitimate reason the "bureaucracy" should keep anything "pending" for 11-years.

Will you please be our savior and stop our legal and financial hemorrhaging? Please discuss this case with Dean Butz in Port Angeles and he can verify what I have said. I also delivered about 400 pages of information from the Olympia Dept. of Health's file that Dean was missing.

Please give us a letter right away indicating that the Dept. of Ecology has closed out this 11-year old pending application and clearly indicate that a 100' restrictive covenant is no longer necessary for this unapproved Well # 2 on our land. We will then go back to court and ask Judge Wood to authorize the covenant be removed and we will get it recorded.

We are currently living and traveling in an RV and we need to sell the house desperately. We would like to go to Australia for about four years, but we can't afford to leave the USA with this problem hanging over our heads.

Please call me on our cellular phone listed above or send me an e-mail. I will be happy to do absolutely anything I can to help you.

Sincerely,

Sharon Maples, CPA

CC: Dean Butz (dbutz@co.clallam.wa.us)



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

PO Box 47775 • Olympia, Washington 98504-7775 • (206) 407-6300

January 6, 1997

I certify that I mailed a copy of this document  
to the persons and addresses listed thereon,  
postage prepaid, in a receptacle for United  
States mail in Lacey,  
Washington on Jan 6, 1997. 7

Charles A. Novak  
PO Box 2396  
Port Angeles, Washington 98362-2396

*Jenna Hanson*

Dear Mr. Novak:

Re: Ground Water Superseding Permit No. G 2-27301

Enclosed is Superseding Permit No. G 2-27301. Our information indicates that you have begun construction of your project. We are enclosing a Notice of Completion which must be filed when you have finished the work.

If you cannot complete your project by September 1, 2010, you must contact this office.

This order may be appealed. Your appeal must be filed with the Pollution Control Hearings Board, PO Box 40903, Olympia, WA 98504-0903 within thirty (30) days of the date this decision was mailed. At the same time your appeal must be sent to the Department of Ecology c/o Enforcement Officer, PO Box 47600, Olympia, WA 98504-7600. Your appeal alone will not stay the effectiveness of the Order. These procedures are consistent with Chapter 43.21B RCW.

Please read the enclosed information sheet, as well as both sides of your permit.

Sincerely,

*Gale Blomstrom*

Gale Blomstrom  
Shorelands & Water Resources Supervisor  
Southwest Regional Office

GB:th(permit2)  
Enclosures

